REMARKS

By this Amendment, Applicant amends claims 3 and 4. Applicant also adds new claims 5-9, and therefore claims 1-9 are all the claims pending in the application.

Applicant respectfully notes that the Examiner has not acknowledged Applicant's claim of foreign priority under 35 U.S.C. § 119(a)-(d). Accordingly, Applicant respectfully requests the Examiner to acknowledge Applicant's claim of foreign priority and to indicate that the certified copies of the priority documents have been received in the next USPTO communication.

Claim Rejections - 35 U.S.C. § 112

Claims 3-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amends claims 3 and 4 to recite "the one or more related matches" and respectfully requests the Examiner to reconsider and withdraw the rejection in view of these self-explanatory amendments.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakagawa et al. (US 6,168,519). Applicant respectfully traverses the rejection.

Claim Limitations

The rejected claims include independent apparatus claim 1, independent program claim 3, and independent apparatus claim 4. Apparatus claim 1 is drafted in "means-plus-function" type

language and merits separate analysis under applicable USPTO Guidelines (*See* MPEP §§ 2181

and 2182). This analysis would be instructive with respect to the functional language in claims 3

and 4 as well.

Claim 1

Where means-plus-function limitations are used, reference to the specification and

drawings for each limitation is necessary to understand what corresponding structure and what

function is required to be found identically or as a structural equivalent in the prior art. This is a

two step process. *Golight Inc. v. Wal-Mart Stores, Inc.*, 355 F.3d 1327, 1333-34 (Fed. Cir.

2004). The first step is to define the function to include the limitations of the claim language,

and the second step is to identify the corresponding structure that performs the function (*See*

MPEP § 2182). If the identical function is not found, there can be no anticipation. If the

function is found but the structure is not identical or a structural equivalent, there can be no

anticipation. Basic to both steps is an understanding of the terminology used in the claims.

As a preliminary matter, the claim terms, which relate to a game device capable of

outputting event content during execution of a main match, are as follows:

Virtual Start Time - With reference to FIGS. 3 and 4 of the application, the date and

time displayed is a virtual start time. A virtual start time is associated with the main match and

related matches, and is a time at which the main match and related matches begin in the virtual

game space.

Main Match - With reference to FIGS. 3, 6, and 7 of the application, the main match is

the match that a player's team is participating in. The player affects the outcome of the main

match simulation by inputting instructions using a controller.

Related Match - With reference to FIG. 3, 6, and 8 of the application, a related match is a match taking place at least partially at the same virtual time as a main match, and which the player has a strong incentive to be informed of developments on because, for example, the related match contains a team that is close to the player's team in current game standings, or that the player's team plays in the near future.

Simulation - With reference to FIGS. 3 and 6-8 of the application, a simulation is a determination of an outcome of a match. A simulation of the main match is affected by instructions given by the player, whereas simulations of a related matches and other matches are solely determined, for example, by artificial intelligence.

Event - With reference to FIGS. 3, 5, 7, and 8 of the application, an event is an occurrence in a match that impacts the outcome of a match and which occurs during the match at a specified virtual time. Events are associated with an **event time** and **event content**. An **event time** is a virtual time at which an event occurs during the main match, a related match, or other match. **Event content** is the action associated with an event, and examples of **event content** may include a goal or an injury to a player in the virtual game space.

Turning next to the text of claim 1, on the basis of the foregoing terminology, the claims define the structures and steps for implementing a game device capable of outputting event content during execution of a main match. With reference to claim 1, for example:

A first limitation has the function of deciding **virtual start times** for a plurality of matches. The corresponding structure is the virtual start time decider 54 in FIG. 3. This structure is operative to decide the **virtual start times** of the **main match, related matches,** and other matches.

A second limitation has the function of selecting at least one match, from the plurality of matches, taking place at least partially at the same time as a **main match** a player's team is taking part in as one or more matches related to the main match based on **virtual start times** for each match decided by the virtual start time deciding means. The corresponding structure is the related match selector 52 in FIG. 3. This structure is operative to select **related matches** with reference to the **main match** and according to **virtual start times**.

A third limitation has the function of **simulating** the one or more **related matches**. The corresponding structure is related match simulator 68 in FIG. 3. This structure is operative to **simulate related matches** and determine their results.

A fourth limitation has the function of storing event time and event content for prescribed types of **events** occurring in the one or more **related matches**. The corresponding structure is the event storage unit 72 in FIG. 3. This structure is operative to store **events** having associated **event times** and **event content**.

A fifth limitation has the function of executing the **main match**. The corresponding structure is main match executor 66 in FIG. 3. This structure is operative to execute, i.e. **simulate**, the **main match**.

A sixth limitation has the function of monitoring for arrival of the **event time** stored by the event storage means during execution of the **main match**. The corresponding structure is the event time of arrival monitor 64 in FIG. 3. This

structure is operative to monitor and determine when an **event time** of a **related match** has arrived during execution of the **main match**.

Last, a seventh limitation has the function of outputting **event content** corresponding to the **event time** when it is determined by the event time arrival monitoring means that the **event time** has arrived during execution of the **main match**. The corresponding structure is the event content output unit 62 in FIG. 3. This structure is operative to read **event content** corresponding to an **event time** from the event storage unit and output the **event content**.

In short, a plurality of matches are determined and virtual start times are associated with each match. Related matches are selected from among the plurality of matches with reference to the main match and virtual start times. After simulation of the matches, which are not the main match, events occurring in the simulated matches are stored. Thereafter, during execution of the main match, events having event times corresponding to a virtual time during the main match execution are output.

Nakagawa

The Nakagawa reference is directed to a game system having an atmosphere including temperature and humidity. Games are selected according to the number of human players, and whether the game is an "open game," "league match," or "tournament." As the game progresses, abilities of characters in the game deteriorate according to the character's resilience to the temperature and humidity.

An embodiment of Nakagawa is illustrated in FIG. 2, and shows an "open game" type of match having a human player (P1) against a computer (CPU). Various match settings are shown on the bottom and include "daytime" start time, a temperature, a weather, and a humidity level.

No Identical Function in the Virtual Start Time Deciding Means

In the Office Action, the Examiner asserts that Nakagawa discloses the claimed "virtual start time deciding means for deciding virtual start times for a plurality of matches." The rejection is based on figure 2 and column 13, lines 46 to 52 of Nakagawa. This portion of Nakagawa describes the setting of a game start time, which is either daytime or nighttime. If the daytime is set, the game will be played in a natural light field in the daytime, whereas if the nighttime is set, the game will be played in a rather dark field with artificial lighting.

However, Nakagawa neither teaches nor suggests the function of deciding <u>virtual start times</u> for a plurality of matches. Rather, Nakagawa merely discloses selecting a game start time as either daytime or nighttime to change the lighting characteristics of the game. Nakagawa neither teaches nor suggests the function of deciding <u>virtual start times</u> for a plurality of matches, as Nakagawa discloses nothing about a time. Rather, Nakagawa merely discloses a period of a day that determines whether the game is played under sunlight or artificial light.

Further, Nakagawa neither teaches nor suggests the function of deciding virtual start times for a <u>plurality of matches</u>. Rather, Nakagawa discloses that when "league match" or "tournament" are selected for a single player, the field and field atmosphere settings for the <u>human player's game</u> are determined automatically. *See* Nakagawa, col. 13, lines 45-46. Nakagawa neither teaches nor suggests the function deciding virtual start times for a <u>plurality of</u>

matches, as Nakagawa discloses nothing about times for plurality of matches, much less virtual start times for a plurality of matches.

No Identical Function in the Related Match Selection Means

In the Office Action, the Examiner asserts that Nakagawa discloses the claimed "related match selection means for selecting at least one match, from the plurality of matches, taking place at least partially at the same time as a main match a player's team is taking part in as one or more matches related to the main match based on virtual start times for each match decided by the virtual start time deciding means." The rejection is based on column 13, lines 29 to 40 of Nakagawa. This portion of Nakagawa describes the selection of teams depending on the type of game selected and the number of human players.

However, Nakagawa neither teaches nor suggests the function of selecting at least one match, from the plurality of matches, taking place at least partially at the same time as a main match a player's team is taking part in as one or more matches related to the main match based on virtual start times for each match decided by the virtual start time deciding means. Rather, Nakagawa merely discloses that a game may be played in "league match" or "tournament" modes. Nakagawa neither teaches nor suggests the function of selecting at least one match, from the plurality of matches, taking place at least partially at the same time as a main match at the same time a main match player's team is taking part in, as Nakagawa discloses nothing about matches taking place at least partially at the same time a main match a player's team is taking part in.

Further, Nakagawa neither teaches nor suggests the function of selecting at least one match, from the plurality of matches, taking place at least partially at the same time as a main

match a player's team is taking part in as <u>one or more matches related to the main match</u> based

on virtual start times for each match decided by the virtual start time deciding means. Rather,

Nakagawa merely discloses selecting a player's match, with no teaching or suggestion of

selecting <u>one or more matches related to the main match</u>, much less one or more matches related

to the main match based on virtual start times.

<u>No Identical Function in the Related Match Simulation Means</u>

In the Office Action, the Examiner asserts that Nakagawa discloses the claimed "match

simulation means for simulating a match." *See* Office Action, page 3. The rejection is based on

figure 13 of Nakagawa. This portion of Nakagawa illustrates the processing flow from the start

to the end of the program.

However, Nakagawa neither teaches nor suggests the claimed function of "simulating the

one or more <u>related matches</u>." Rather, Nakagawa discloses that, after a game mode is set, the

game proceeds by reducing character abilities until the game ends. However, Nakagawa neither

teaches nor suggests the function simulating the one or more <u>related matches</u>, as Nakagawa

discloses nothing about related matches. Rather, Nakagawa merely describes a process by which

<u>the game currently being played by a human player</u> is executed.

Further, Nakagawa neither teaches nor suggests the function of "<u>simulating</u> the one or

more related matches." Rather, Nakagawa discloses that characters in the player's game are

<u>operated</u> by the game player. *See* Nakagawa, FIGS. 10-11, col. 11, lines 9-27. Nakagawa

neither teaches nor suggests the function of <u>simulating</u> the one or more related matches, as

Nakagawa discloses nothing about simulating. Rather, Nakagawa discloses that the game

advances according to <u>instructions given by the game player</u>. *See* Nakagawa, col. 6, lines 7-26.

No Identical Function in the Event Storage Means

Claim 1 recites an "event storage means for storing event time and event content for prescribed types of events occurring in the one or more related matches." However, in the Office Action, the Examiner does not say where Nakagawa discloses this feature.

Applicant respectfully submits that Nakagawa neither teaches nor suggests the function of storing event time and event content for prescribed types of events occurring in the one or more related matches. Rather, Nakagawa merely discloses that games are played according to the game program, the image data, and instructions given by a player. *See* Nakagawa, col. 6, lines 12-16. Nakagawa neither teaches nor suggests the function of storing event time and event content for prescribed types of events occurring in the one or more related matches, as Nakagawa discloses nothing about storing an event time and an event content.

Further, Nakagawa neither teaches nor suggests the function of storing event time and event content for prescribed types of events occurring in the one or more related matches. As discussed above, Nakagawa discloses nothing about related matches, much less the function of storing event time and event content for prescribed types of events occurring in the one or more related matches.

No Identical Function in the Event Time Arrival Monitoring Means

In the Office Action, the Examiner asserts that Nakagawa discloses the claimed "event time arrival monitoring means for monitoring for arrival of the event time stored by the event storage means during execution of the main match." The rejection is based on element ST670, figure 13, and column 14, lines 49 to 55 of Nakagawa. These portions of Nakagawa describe monitoring an elapsed time to determine whether a game finish time has been reached.

However, Nakagawa neither teaches nor suggests the function of monitoring for arrival of the <u>event time</u> stored by the event storage means during execution of the main match. Rather, Nakagawa merely discloses that an elapsed time is monitored to determine if the <u>game finish time</u> has been reached. Nakagawa neither teaches nor suggests the function monitoring for arrival of the <u>event time</u> stored by the event storage means during execution of the main match, as Nakagawa discloses nothing about an event time, much less an event time stored by the event storage means.

<u>No Identical Function in the Event Content Output Means</u>

In the Office Action, the Examiner asserts that Nakagawa discloses the claimed feature of "event content output means for outputting event content corresponding to the event time when it is determined by the event time arrival monitoring means that the event time has arrived during execution of the main match." The rejection is based on element ST680, figure 13, and column 14, lines 49 to 55 of Nakagawa. These portions of Nakagawa describe deciding the result of a game based on the score.

However, Nakagawa neither teaches nor suggests the function of outputting event content corresponding to the event time when it is determined by the event time arrival monitoring means that the event time has arrived <u>during execution of the main match</u>. Rather, Nakagawa merely discloses that the result of a game is displayed when the game finish time has been reached, or in other words <u>when the game is completed</u>. Nakagawa neither teaches nor suggests the function of outputting event content corresponding to the event time when it is determined by the event time arrival monitoring means that the event time has arrived <u>during execution of the</u>

main match, as Nakagawa discloses nothing about an output during execution of the match.

Rather, Nakagawa merely discloses displaying a result after the game is finished.

Further, Nakagawa neither teaches nor suggests the function of outputting <u>event content</u>

corresponding to the event time when it is determined by the event time arrival monitoring

means that the event time has arrived during execution of the main match. Rather, Nakagawa

discloses displaying a <u>game result of the current game</u> based on a final score. Nakagawa neither

teaches nor suggests outputting an event content, which occurs in the one or more related

matches as claim 1 recites, as Nakagawa discloses nothing about event content of related

matches, much less outputting event content based on an event time during execution of the main

match.

Accordingly, for at least the above reasons, Nakagawa fails to disclose all the limitations

of claim 1, as Nakagawa neither teaches nor suggests identical functions for the virtual start time

deciding means, related match selection means, related match simulation means, event storage

means, event time arrival monitoring means, and event content output means, and therefore

Nakagawa would not have anticipated claim 1.

Claim 2

Claim 2 depends from claim 1 and incorporates by reference all the limitations of claim

1, and hence claim 2 should be deemed patentable at least by virtue of its dependency on claim 1.

Further, in regards to claim 2, the Examiner asserts that Nakagawa discloses the claimed

feature of "the event storage means stores replay data for reproducing and displaying prescribed

types of events occurring in the one or more related matches as the event content." The rejection

is based on element ST690, figure 13, and column 14, lines 49 to 55 of Nakagawa. These portions of Nakagawa describe that a result of a game is displayed after the game ends.

However, Nakagawa neither teaches nor suggests the function of reproducing and displaying prescribed types of events occurring in the one or more related matches as the event content. Rather, Nakagawa merely discloses that a final score of a current game is displayed upon its completion. Nakagawa neither teaches nor suggests the function of reproducing and displaying prescribed types of events occurring in the one or more related matches as the event content, as Nakagawa discloses nothing about reproducing events, much less reproducing events occurring in the one or more related matches as event content.

In addition, claim 2 recites "the event content output means reproduces and displays prescribed types of events occurring in the one or more related matches based on the replay data." However, in the Office Action, the Examiner does not say where Nakagawa discloses this feature. Applicant respectfully submits that Nakagawa neither teaches nor suggests the event content output means reproduces and displays prescribed types of events occurring in the one or more related matches based on the replay data, as Nakagawa discloses nothing about reproducing events occurring in related matches, much less reproducing events based on replay data.

Accordingly, for at least these additional reasons, Nakagawa fails to disclose all the limitations in claim 2, and hence Nakagawa would not have anticipated claim 2.

Claims 3 and 4

Independent claims 3 and 4 recite limitations similar to those discussed above, and hence Nakagawa would not have anticipated claims 3 and 4 for at least analogous reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
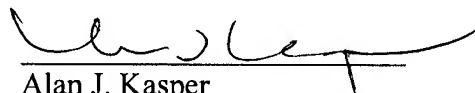
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